

SERVICE DATE – JUNE 10, 2013

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

Docket No. AB 586 (Sub-No. 3X)

**North Central Railway Association – Abandonment Exemption –
In Franklin and Hardin Counties, Iowa**

BACKGROUND

In this proceeding, the North Central Railway Association (NCRA) filed a notice under 49 C.F.R. § 1152.52 seeking exemption from the requirements of 49 U.S.C. § 10903 to abandon approximately 10.46 miles of rail line located in Franklin and Hardin Counties, Iowa. The rail line proposed for abandonment extends from milepost 201.46 near Ackley to milepost 191 near Geneva. The proposed abandonment traverses Zip Codes 50633 and 50601. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, NCRA will be able to salvage track, ties, and other railroad appurtenances and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

NCRA submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. NCRA served the environmental report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

NCRA states that no local traffic has moved over the line for at least two years and no overhead traffic would be rerouted. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 586 (Sub-No. 3X).

to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

The rail line travels through rural areas and the right-of-way is generally less than 100 feet in width. Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or if necessary, via construction of new access points to the right-of-way. If abandonment authority is granted, NCRA states that it would salvage the rail, tie, any bridge decking that may be located on the line, and track material, and restore all grade crossings in accordance with local highway jurisdiction requirements. The bridges and box culverts would remain in place and soil disturbance would be minimal so as not to alter or impede existing drainage flows.

The City of Ackerly commented that it is interested in either acquiring or securing an easement over the rail line right-of-way proposed for abandonment. The city indicates that the rail line bisects the city-owned Prairie Bridges Park, effectively splitting the park into two areas, each with a separate access. The city would like to connect both segments of the park and use the rail line right-of-way as a recreational trail.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

NCRA states that there are no known hazardous waste sites on or adjacent to the right-of-way. Accordingly, no mitigation regarding hazardous waste sites or hazardous material spills is necessary.

The National Geodetic Survey (NGS) commented that no geodetic survey markers are located within the area of the proposed abandonment. OEA has therefore concluded that no further consultation with NGS is necessary.

The U.S. Fish and Wildlife Service (USFWS), Division of Realty, commented that it does not own any lands or have any interests in land in the vicinity of the proposed abandonment. OEA has therefore concluded that no further consultation with USFWS's Division of Realty is necessary.

The Iowa Department of Natural Resources (Iowa DNR) provided several comment letters that list a number of issue areas that may be of concern during salvage operations. Specifically, DNR notes that permits and/or additional reviews may be required if salvage activities associated with the proposed abandonment generate fugitive dust or disturbances to waterways, floodplains, wetlands, and soil. OEA has therefore recommended a condition that would require NCRA to consult with Iowa DNR prior to conducting salvage operations to

determine what, if any, permits are needed prior to the salvage process, and to comply with the reasonable requirements of those permits.

The Mississippi Valley Division of the U.S. Army Corps of Engineers (Corps) submitted comments stating that it had received NCRA's environmental and historic reports and was forwarding the information onto the Rock Island District because that office has jurisdiction over the area of the proposed abandonment. OEA has included the Rock Island District in the service list for this proceeding so that it may review the EA to determine if the proposed action would result in the discharge of dredge or fill material into waterways or wetlands of the United States in accordance with the permit requirements under Section 404 of the Clean Water Act (33 U.S.C. § 1344).

The Franklin County Auditor's Office provided floodplain maps that show that a portion of the proposed abandonment is in the 100-year floodplain. OEA is not certain if any permits or mitigation would be required and has included the Auditor's Office in the service list for this proceeding so that it may review the EA to determine if any further action is warranted. OEA has also recommended a mitigation measure in this EA that would require NCRA to consult with Iowa DNR prior to conducting any salvage activities regarding minimizing potential floodplain impacts that could result from salvaging the rail line.

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this EA to the following agencies for review and comment: the U.S. Army Corps of Engineers, Rock Island District; the National Park Service; the U.S. Department of Agriculture's Natural Resources Conservation Service; the U.S. Environmental Protection Agency; the U.S. Fish and Wildlife Service; the Iowa Department of Natural Resources; the Iowa Department of Economic Development; the Mayor of Geneva; the Mayor of Ackley; the Franklin County Board of Supervisors; and the Hardin County Board of Supervisors.

HISTORIC REVIEW

NCRA submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Iowa Department of Cultural Affairs (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). The report indicates that the line proposed for abandonment contains bridges but does not specify the quantity or age. The report further states that no structures on the line are 50 years or older. By letter dated February 21, 2013 (SHPO reference # 121000010), the SHPO indicates that, based on the information provided, the section of track within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment would not be eligible for listing in the National Register of Historic Places (National Register). The SHPO, however, could not comment on whether the proposed abandonment would have the potential to adversely affect archaeological resources. The SHPO recommends that NCRA obtain an archaeological background check from the Office of the State Archaeologist at the University of Iowa for the area of the proposed abandonment. Because the rail line is located in an area that has already been disturbed, OEA believes that it is unlikely that archaeological resources would be present. However, in the event that any

unanticipated cultural resources are discovered during salvage operations, OEA is recommending a condition that would require NCRA to immediately cease all work associated with salvage operations work and notify OEA, the SHPO, and any federally recognized tribes that may have an interest in the area of the proposed abandonment.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the National Park Service's Native American Consultation Database at <http://www.cast.uark.edu/other/nps/nacd/> to identify federally recognized tribes that may have ancestral connections to the project area.² The database indicated that there are 11 federally-recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment. The tribes are: the Flandreau Santee Sioux Tribe of South Dakota, the Lower Sioux Indian Community in the State of Minnesota, the Prairie Island Indian Community in the State of Minnesota, the Sac and Fox Nation of Missouri in Kansas and Nebraska, the Sac and Fox Nation of Missouri, the Sac and Fox Nation of Oklahoma, and the Sac and Fox Tribe of the Mississippi in Iowa, the Santee Sioux Nation in Nebraska, the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation in South Dakota, the Spirit Lake Tribe in North Dakota, and the Upper Sioux Community in Minnesota. OEA has included the tribes in the service list for the proposed abandonment so that they may receive a copy of the EA.

CONDITIONS

We recommend that the following conditions be imposed on any decision granting abandonment authority:

1. Prior to commencement of any salvage activities, the North Central Railway Association (NCRA) shall consult with the Iowa Department of Natural Resources to ensure that any concerns in the right-of-way are addressed regarding fugitive dust; floodplain or wetland disturbances; erosion and sedimentation; and wastewater discharges.

² Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited May 24, 2013).

2. In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during the railroad's salvage activities, NCRA shall immediately cease all work and notify the Office of Environmental Analysis (OEA), interested federally recognized tribes, and the Iowa Department of Cultural Affairs (State Historic Preservation Office or SHPO) pursuant to 36 C.F.R. § 800.13(b). OEA shall then consult with the SHPO, interested federally recognized tribes, NCRA, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed and if the recommended conditions are imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite 4-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Diana Wood, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 586 (Sub-No. 3X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 245-0302, fax at (202) 245-0454, or e-mail at woodd@stb.dot.gov.

Date made available to the public: June 10, 2013.

Comment due date: June 25, 2013.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment